

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA** §

**VS.** § **5:23-CR-00620-XR-1**

**JANET YAMANAKA MELLO** §

**DEFENDANT'S OPPOSED MOTION TO CONTINUE SENTENCING**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Defendant in the above entitled and numbered cause by and through her attorney of record and moves the Court to continue Sentencing set for July 24th, 2024, at 10:30 AM. In support thereof, Defendant would show unto this Court the following:

I.

The Defendant was charged in a multi count indictment before this court. She has pleaded to 10 counts including fraud and filing false tax returns. Sentencing is currently set for July 24<sup>th</sup>, 2024.

II.

The defendant is represented by attorney, ALBERT A. FLORES.

III.

The Defendant respectfully requests that the Court grant a motion for continuance and a new scheduling Order based on the following:

1. The Attorney requests more time to investigate the circumstances surrounding the sentencing of the defendant and the possibility of any mitigation issues arising out of that investigation. The review of all relevant evidence is necessary to properly prepare for sentencing and properly assess the relevant conduct in this case.

2. The sentencing issues in this case are complex and involve multiple agencies, multiple seizures and potentially disagreements on relevant conduct.
3. The retained expert on this case, Dr. Fabian, has not completed his final assessment of the defendant, Mrs. Mello.
4. There is no prejudice to the government if a short continuance is granted.
5. The defendant has complied with all requirements of pretrial release.
6. The AUSA, Justin Simmons, does oppose a continuance.

The Defendant does not request this continuance for purposes of undue delay, but so that he may receive a proper and effective assistance of counsel. The protection of due process rights, effective assistance of counsel, and preparation of an adequate defense afforded by a continuance in this case, would greatly outweigh the public's interest for quick resolution of this matter.

WHEREFORE, premises considered, Defendant prays that this Court grant his motion for continuance for a period of 45 days.

Respectfully submitted:

*Albert A. Flores*

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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Defendant's Motion has been delivered to the United States Attorney's Office, Justin Simmons, SAN ANTONIO, Texas, on this the 15<sup>th</sup> day of July 2024 via the court's ECF system.

  
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ALBERT A. FLORES

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**ORDER**

On this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, came to be considered Defendant's Motion for a Continuance, and said motion is hereby

(GRANTED)                   (DENIED)

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UNITED STATES DISTRICT JUDGE